

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 1:22-cv-21004-MD

**JESSICA GUASTO,**

Plaintiff,

vs.

**THE CITY OF MIAMI BEACH, FL,**  
a Florida municipality,

Defendant.

/

**DEFENDANT'S WITNESS LIST – EXHIBIT D TO PRETRIAL STIPULATION**

Defendant, THE CITY OF MIAMI BEACH, FL, (the “City”), through its counsel and pursuant Southern District of Florida Local Rule 16.1(e)(10), and the Court’s May 9, 2024, Order Setting Trial and Pre-Trial Schedule, Requiring Mediation and Referring Certain Matters to Magistrate Judge [DE 59], files its Witness List as Exhibit D to the Pretrial Stipulation.

**WITNESS LIST**

**Expect to Present**

1. Richard Clements  
Former Chief of Police  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304
2. A.J. Prieto  
Former Commander Internal Affairs  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304

3. Michael Smith  
Former Director of Human Resources  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304
4. Wayne Jones  
Current Chief of Police  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304
5. Marla Alpizar  
Current Director of Human Resources  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304
6. Lieutenant Steven Cosner  
City of Miami Beach Police Department  
1100 Washington Ave.  
Miami Beach, FL 33139
7. Sergeant Arley Flaherty  
City of Miami Beach Police Department  
1100 Washington Ave.  
Miami Beach, FL 33139
8. Michael Pancier, Esq.  
9000 Sheridan Street  
#93  
Pembroke Pines, FL 33024
9. Eugene Gibbons, Esq.  
501 East Las Olas Blvd.  
Suite 304  
Fort Lauderdale, FL 33301-2881
10. Detective, Kevin Millan  
City of Miami Beach Police Department  
1100 Washington Ave.  
Miami Beach, FL 33139

**May Call If Need Arises**

11. Plaintiff  
c/o Derek Smith Law Group  
520 Brickell Key Drive  
Suite O-301  
Miami, FL 33131

May present Plaintiff's testimony via deposition testimony

12. Paul Acosta  
Assistant Chief of Police  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304

13. Captain Delvin Brown  
c/o MLE Law  
1212 NE 16<sup>th</sup> Terrace  
Fort Lauderdale, FL 33304

14. Lieutenant, Paul Ozaeta  
City of Miami Beach Police Department  
1100 Washington Ave.  
Miami Beach, FL 33139

15. Andrea Forero  
Records Custodian  
Miami-Dade College  
c/o Javier Ley-Soto, General Counsel  
Miami-Dade College Office of Legal Affairs  
300 NE 2nd Ave.  
Suite 1453  
Miami, FL 33132

16. Joana Flores  
Records Custodian  
City of Opa-Locka  
3780 Fisherman Street  
4th Floor  
Opa-Locka, FL 33054

17. Markesha Madison  
Records Custodian  
Universal Protection Service, LLC  
161 Washington Street, Suite 600  
Conshohocken, PA 19428

**Other Potential Witnesses**

18. Impeachment Witnesses
19. Rebuttal Witnesses
20. Anyone Listed on Plaintiff's Witness List

Dated: September 18, 2024.

Respectfully submitted,

By: /s/Michael L. Elkins  
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*Co-Counsel for Defendant*

By: /s/Henry J. Hunnefeld  
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By: /s/Benjamin J. Braun  
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**CITY OF MIAMI BEACH**  
**CITY ATTORNEY**  
City Attorney's Office  
1700 Convention Center Drive  
Fourth Floor- Legal Department  
Miami Beach, FL 33139  
Telephone: 305.673.7470  
*Co-Counsel for Defendant*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 18, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF as an attachment to the Parties' Joint Pretrial Stipulation. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*s/Michael L. Elkins*  
Michael L. Elkins

**SERVICE LIST**

CASE NO.: 1:22-cv-21004-MD

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